

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 714
96TH GENERAL ASSEMBLY

5468L.06C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 301.010, 304.154, and 304.180, RSMo, and to enact in lieu thereof four new sections relating to road use, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 301.010, 304.154, and 304.180, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 301.010, 304.033, 304.154, and
3 304.180, to read as follows:

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260,
2 and sections 307.010 to 307.175, the following terms mean:

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
4 off-highway use which is fifty inches or less in width, with an unladen dry weight of one
5 thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with
6 a seat designed to be straddled by the operator, or with a seat designed to carry more than one
7 person, and handlebars for steering control;

8 (2) "Automobile transporter", any vehicle combination designed and used specifically
9 for the transport of assembled motor vehicles;

10 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are
11 included between two parallel transverse vertical planes forty inches apart, extending across the
12 full width of the vehicle;

13 (4) "Boat transporter", any vehicle combination designed and used specifically to
14 transport assembled boats and boat hulls;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 15 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not
16 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
17 or painting;
- 18 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more
19 passengers but not including shuttle buses;
- 20 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
21 freight and merchandise, or more than eight passengers but not including vanpools or shuttle
22 buses;
- 23 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at
24 speeds less than forty miles per hour from field to field or from field to market and return;
- 25 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in
26 the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- 27 (10) "Director" or "director of revenue", the director of the department of revenue;
- 28 (11) "Driveaway operation":
29 (a) The movement of a motor vehicle or trailer by any person or motor carrier other than
30 a dealer over any public highway, under its own power singly, or in a fixed combination of two
31 or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;
32 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting
33 the commodity being transported, by a person engaged in the business of furnishing drivers and
34 operators for the purpose of transporting vehicles in transit from one place to another by the
35 driveaway or towaway methods; or
36 (c) The movement of a motor vehicle by any person who is lawfully engaged in the
37 business of transporting or delivering vehicles that are not the person's own and vehicles of a
38 type otherwise required to be registered, by the driveaway or towaway methods, from a point of
39 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent
40 of a manufacturer or to any consignee designated by the shipper or consignor;
- 41 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
42 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
43 equipped with a dromedary may carry part of a load when operating independently or in a
44 combination with a semitrailer;
- 45 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 46 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- 47 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- 48 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last
49 vehicle in a saddlemount combination;

50 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
51 the weight of any load thereon;

52 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
53 result of the impact of hail;

54 (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads
55 and public streets, avenues, boulevards, parkways or alleys in any municipality;

56 (20) "Improved highway", a highway which has been paved with gravel, macadam,
57 concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

58 (21) "Intersecting highway", any highway which joins another, whether or not it crosses
59 the same;

60 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways
61 and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

62 (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally
63 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
64 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

65 (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire
66 commercial motor vehicle the operation of which is confined to:

67 (a) An area that extends not more than a radius of one hundred miles from its home base
68 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
69 from projects involving soil and water conservation, or to and from equipment dealers'
70 maintenance facilities for maintenance purposes; or

71 (b) An area that extends not more than a radius of fifty miles from its home base of
72 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
73 projects not involving soil and water conservation. Nothing in this subdivision shall be
74 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or
75 local commercial motor vehicle;

76 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations
77 are confined solely to a municipality and that area extending not more than fifty miles therefrom,
78 or a commercial motor vehicle whose property-carrying operations are confined solely to the
79 transportation of property owned by any person who is the owner or operator of such vehicle to
80 or from a farm owned by such person or under the person's control by virtue of a landlord and
81 tenant lease; provided that any such property transported to any such farm is for use in the
82 operation of such farm;

83 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
84 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
85 state, used to transport harvested forest products, operated solely at a forested site and in an area

86 extending not more than a one hundred-mile radius from such site, carries a load with
87 dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when
88 operated on the national system of interstate and defense highways described in Title 23, Section
89 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section
90 304.180, does not have more than four axles, and does not pull a trailer which has more than two
91 axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimbing,
92 debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local
93 log truck. A local log truck may not exceed the limits required by law, however, if the truck does
94 exceed such limits as determined by the inspecting officer, then notwithstanding any other
95 provisions of law to the contrary, such truck shall be subject to the weight limits required by such
96 sections as licensed for eighty thousand pounds;

97 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this
98 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
99 state, used to transport harvested forest products, operated solely at a forested site and in an area
100 extending not more than a one hundred-mile radius from such site, operates with a weight not
101 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding
102 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national
103 system of interstate and defense highways described in Title 23, Section 103(e) of the United
104 States Code, such vehicle does not exceed the weight limits contained in section 304.180, and
105 does not have more than three axles and does not pull a trailer which has more than two axles.
106 Violations of axle weight limitations shall be subject to the load limit penalty as described for
107 in sections 304.180 to 304.220;

108 (28) "Local transit bus", a bus whose operations are confined wholly within a municipal
109 corporation, or wholly within a municipal corporation and a commercial zone, as defined in
110 section 390.020, adjacent thereto, forming a part of a public transportation system within such
111 municipal corporation and such municipal corporation and adjacent commercial zone;

112 (29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and
113 is used exclusively to transport harvested forest products to and from forested sites which is
114 registered pursuant to this chapter to operate as a motor vehicle on the public highways of this
115 state for the transportation of harvested forest products;

116 (30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly,
117 and front clip, as those terms are defined by the director of revenue pursuant to rules and
118 regulations or by illustrations;

119 (31) "Manufacturer", any person, firm, corporation or association engaged in the
120 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

- 121 (32) "Mobile scrap processor", a business located in Missouri or any other state that
122 comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder
123 or scrap metal operator for recycling;
- 124 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
125 receives a new, rebuilt or used engine, and which used the number stamped on the original
126 engine as the vehicle identification number;
- 127 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
128 except farm tractors;
- 129 (35) "Motor vehicle primarily for business use", any vehicle other than a recreational
130 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
131 twelve thousand pounds:
- 132 (a) Offered for hire or lease; or
133 (b) The owner of which also owns ten or more such motor vehicles;
- 134 (36) "Motorcycle", a motor vehicle operated on two wheels;
- 135 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
136 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which
137 produces less than three gross brake horsepower, and is capable of propelling the device at a
138 maximum speed of not more than thirty miles per hour on level ground;
- 139 (38) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
140 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.
141 A motortricycle shall not be included in the definition of all-terrain vehicle;
- 142 (39) "Municipality", any city, town or village, whether incorporated or not;
- 143 (40) "Nonresident", a resident of a state or country other than the state of Missouri;
- 144 (41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in
145 compliance with United States emissions or safety standards;
- 146 (42) "Operator", any person who operates or drives a motor vehicle;
- 147 (43) "Owner", any person, firm, corporation or association, who holds the legal title to
148 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
149 thereof with the right of purchase upon performance of the conditions stated in the agreement
150 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
151 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
152 or mortgagor shall be deemed the owner for the purpose of this law;
- 153 (44) "Public garage", a place of business where motor vehicles are housed, stored,
154 repaired, reconstructed or repainted for persons other than the owners or operators of such place
155 of business;

156 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
157 rebuilder, but does not include certificated common or contract carriers of persons or property;

158 (46) "Reconstructed motor vehicle", a vehicle that is altered from its original
159 construction by the addition or substitution of two or more new or used major component parts,
160 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

161 (47) "Recreational motor vehicle", any motor vehicle designed, constructed or
162 substantially modified so that it may be used and is used for the purposes of temporary housing
163 quarters, including therein sleeping and eating facilities which are either permanently attached
164 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
165 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
166 vehicle if the motor vehicle could otherwise be so registered;

167 (48) "Recreational off-highway vehicle", any motorized vehicle manufactured and used
168 exclusively for off-highway use which is [sixty] **sixty-four** inches or less in width, with an
169 unladen dry weight of [one] **two** thousand [eight hundred fifty] pounds or less, traveling on four
170 or more nonhighway tires, with a nonstraddle seat, and steering wheel, which may have access
171 to ATV trails;

172 (49) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,
173 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a
174 wrecker or towing service;

175 (50) "Saddlemount combination", a combination of vehicles in which a truck or truck
176 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth
177 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of
178 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth
179 wheel kingpin connection. When two vehicles are towed in this manner the combination is
180 called a "double saddlemount combination". When three vehicles are towed in this manner, the
181 combination is called a "triple saddlemount combination";

182 (51) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for
183 the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

184 (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

185 (a) Was damaged during a year that is no more than six years after the manufacturer's
186 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or
187 reconstruct the vehicle to its condition immediately before it was damaged for legal operation
188 on the roads or highways exceeds eighty percent of the fair market value of the vehicle
189 immediately preceding the time it was damaged;

190 (b) By reason of condition or circumstance, has been declared salvage, either by its
191 owner, or by a person, firm, corporation, or other legal entity exercising the right of security
192 interest in it;

193 (c) Has been declared salvage by an insurance company as a result of settlement of a
194 claim;

195 (d) Ownership of which is evidenced by a salvage title; or

196 (e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157
197 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild
198 or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling
199 inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on
200 parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair
201 market value" means the retail value of a motor vehicle as:

202 a. Set forth in a current edition of any nationally recognized compilation of retail values,
203 including automated databases, or from publications commonly used by the automotive and
204 insurance industries to establish the values of motor vehicles;

205 b. Determined pursuant to a market survey of comparable vehicles with regard to
206 condition and equipment; and

207 c. Determined by an insurance company using any other procedure recognized by the
208 insurance industry, including market surveys, that is applied by the company in a uniform
209 manner;

210 (53) "School bus", any motor vehicle used solely to transport students to or from school
211 or to transport students to or from any place for educational purposes;

212 (54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
213 corporation as an incidental service to transport patrons or customers of the regular business of
214 such person, firm, or corporation to and from the place of business of the person, firm, or
215 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
216 buses or as commercial motor vehicles;

217 (55) "Special mobile equipment", every self-propelled vehicle not designed or used
218 primarily for the transportation of persons or property and incidentally operated or moved over
219 the highways, including farm equipment, implements of husbandry, road construction or
220 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
221 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
222 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
223 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump
224 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and

225 shall not operate to exclude other such vehicles which are within the general terms of this
226 section;

227 (56) "Specially constructed motor vehicle", a motor vehicle which shall not have been
228 originally constructed under a distinctive name, make, model or type by a manufacturer of motor
229 vehicles. The term specially constructed motor vehicle includes kit vehicles;

230 (57) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel
231 is located on a drop frame located behind and below the rearmost axle of the power unit;

232 (58) "Tandem axle", a group of two or more axles, arranged one behind another, the
233 distance between the extremes of which is more than forty inches and not more than ninety-six
234 inches apart;

235 (59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed
236 for drawing other vehicles, but not for the carriage of any load when operating independently.
237 When attached to a semitrailer, it supports a part of the weight thereof;

238 (60) "Trailer", any vehicle without motive power designed for carrying property or
239 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
240 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
241 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
242 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
243 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
244 as defined in section 700.010;

245 (61) "Truck", a motor vehicle designed, used, or maintained for the transportation of
246 property;

247 (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two
248 trailing units are connected with a B-train assembly which is a rigid frame extension attached to
249 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second
250 semitrailer and has one less articulation point than the conventional A-dolly connected
251 truck-tractor semitrailer-trailer combination;

252 (63) "Truck-trailer boat transporter combination", a boat transporter combination
253 consisting of a straight truck towing a trailer using typically a ball and socket connection with
254 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
255 trailer but so as to maintain a downward force on the trailer tongue;

256 (64) "Used parts dealer", a business that buys and sells used motor vehicle parts or
257 accessories, but not including a business that sells only new, remanufactured or rebuilt parts.
258 "Business" does not include isolated sales at a swap meet of less than three days;

259 (65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for
260 off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one

261 thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used primarily
262 for landscaping, lawn care, or maintenance purposes;

263 (66) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
264 firm, corporation, association, city, county or state agency, or any member thereof, for the
265 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
266 and from their place of employment; however, a vanpool shall not be included in the definition
267 of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this
268 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section
269 302.010; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal,
270 or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary
271 profit other than for use in a ride-sharing arrangement;

272 (67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
273 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
274 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs
275 operated by handicapped persons;

276 (68) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed
277 and used to assist or render aid and transport or tow disabled or wrecked vehicles from a
278 highway, road, street or highway rights-of-way to a point of storage or repair, including towing
279 a replacement vehicle to replace a disabled or wrecked vehicle;

280 (69) "Wrecker or towing service", the act of transporting, towing or recovering with a
281 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,
282 tow truck, rollback or car carrier for which the operator directly or indirectly receives
283 compensation or other personal gain.

**304.033. 1. No person shall operate a recreational off-highway vehicle, as defined
2 in section 301.010, upon the highways of this state, except as follows:**

3 (1) Recreational off-highway vehicles owned and operated by a governmental entity
4 for official use;

5 (2) Recreational off-highway vehicles operated for agricultural purposes or
6 industrial on-premises purposes between the official sunrise and sunset on the day of
7 operation;

8 (3) Recreational off-highway vehicles operated within three miles of the operator's
9 primary residence;

10 (4) Recreational off-highway vehicles operated by handicapped persons for short
11 distances occasionally only on the state's secondary roads when operated between the
12 hours of sunrise and sunset.

13 **2. No person shall operate a recreational off-highway vehicle within any stream or**
14 **river in this state, except that recreational off-highway vehicles may be operated within**
15 **waterways which flow within the boundaries of land which a recreational off-highway**
16 **vehicle operator owns, or for agricultural purposes within the boundaries of land which**
17 **a recreational off-highway vehicle operator owns or has permission to be upon, or for the**
18 **purpose of fording such stream or river of this state at such road crossings as are**
19 **customary or part of the highway system. All law enforcement officials or peace officers**
20 **of this state and its political subdivisions or department of conservation agents or**
21 **department of natural resources park rangers shall enforce the provisions of this**
22 **subsection within the geographic area of their jurisdiction.**

23 **3. A person operating a recreational off-highway vehicle on a highway pursuant**
24 **to an exception covered in this section shall have a valid operator's or chauffeur's license,**
25 **except that a handicapped person operating such vehicle pursuant to subdivision (4) of**
26 **subsection 1 of this section, but shall not be required to have passed an examination for the**
27 **operation of a motorcycle. An individual shall not operate a recreational off-highway**
28 **vehicle upon on a highway in this state without displaying a lighted headlamp and a lighted**
29 **tail lamp. A person may not operate a recreational off-highway vehicle upon a highway**
30 **of this state unless such person wears a seat belt. When operated on a highway, a**
31 **recreational off-highway vehicle shall be equipped with a roll bar or roll cage construction**
32 **to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover.**

33 **4. No persons shall operate a recreational off-highway vehicle:**

34 **(1) In any careless way so as to endanger the person or property of another;**

35 **(2) While under the influence of alcohol or any controlled substance.**

36 **5. A violation of this section shall be a class C misdemeanor. In addition to other**
37 **legal remedies, the attorney general or county prosecuting attorney may institute a civil**
38 **action in a court of competent jurisdiction for injunctive relief to prevent such violation or**
39 **future violations and for the assessment of a civil penalty not to exceed one thousand**
40 **dollars per day of violation.**

 304.154. 1. Beginning [January 1, 2005] **August 28, 2012**, a towing company operating
2 a tow truck [pursuant to the authority granted in section 304.155 or 304.157 shall] **as defined**
3 **in section 301.010 shall be licensed by the division of professional registration as provided**
4 **in subsection 2 of this section and:**

5 **(1) Have and occupy a verifiable business address and display such address in a**
6 **location visible from the street;**

7 (2) Have a fenced, secure, and lighted storage lot or an enclosed, secure building for the
8 storage of motor vehicles, **with a total area for storing vehicles, either inside or outside, of**
9 **at least two thousand square feet, and fencing a minimum of six feet high;**

10 (3) **Maintain regular business hours for the business office of 8:00 a.m. to 5:00 p.m.,**
11 **Monday through Friday, for customers or their authorized agent to view and retrieve**
12 **vehicles, with no additional fees charged to view or retrieve a vehicle during these regular**
13 **business hours;**

14 (4) Be available twenty-four hours a day, seven days a week. Availability shall mean
15 that an employee of the towing company or an answering service answered by a person is able
16 to respond to a tow request;

17 (5) **Have and maintain a phone number which is published in the local phone book**
18 **and accessible through directory assistance;**

19 [(4)] (6) Maintain a valid insurance policy issued by an insurer authorized to do business
20 in this state, or a bond or other acceptable surety providing coverage for the death of, or injury
21 to, persons and damage to property for each accident or occurrence in the amount [of at least five
22 hundred thousand dollars per incident] **prescribed by the United States Department of**
23 **Transportation;**

24 (7) **Maintain liability insurance as follows: garage coverage liability of one million**
25 **dollars per occurrence with an aggregate of two million dollars or greater, garage keeper**
26 **policy with a fifty thousand dollar minimum, and hook and cargo insurance with a one**
27 **hundred fifty thousand dollar minimum;**

28 [(5)] (8) Provide workers' compensation insurance for all employees of the towing
29 company if required by chapter 287; [and]

30 [(6)] (9) Maintain current motor vehicle registrations on all tow trucks currently operated
31 within the towing company fleet;

32 (10) **Provide a twenty-five thousand dollar surety bond by a company licensed to**
33 **do business in the state, or provide an irrevocable letter of credit from a financial**
34 **institution licensed to do business in the state; and**

35 (11) **Require tow drivers to be certified by the Towing and Recovery Association**
36 **of America (TRAA), or any state or federally funded program, as follows:**

37 (a) **Beginning August 28, 2013, light-duty operators shall have at least TRAA Level**
38 **1 Certification or equivalent;**

39 (b) **Beginning March 1, 2014, medium-duty operators shall have at least TRAA**
40 **Level 2 Certification or equivalent; and**

41 (c) **Beginning August 28, 2014, there shall be at least one TRAA Level 3 certified**
42 **operator per company engaged in heavy-duty towing.**

43 **2. Notwithstanding any other law, in order to operate a towing or wrecker service**
44 **within this state, operators shall be licensed by the division of professional registration.**
45 **Applicants for licensure shall provide proof of compliance with requirements of subsection**
46 **1 of this section to the division and upon presentation of satisfactory proof shall be granted**
47 **documentation issued by the division indicating that the towing or wrecker service has met**
48 **state licensing requirements. Local governmental entities shall not contract with any**
49 **towing or wrecker service not licensed with the division under this section. The provisions**
50 **of this section may be enforced by local law enforcement and the highway patrol.**

51 **3. The director of the division of professional registration may promulgate all**
52 **necessary rules and regulations for the administration of this section. Any rule or portion**
53 **of a rule, as that term is defined in section 536.010, that is created under the authority**
54 **delegated in this section shall become effective only if it complies with and is subject to all**
55 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**
56 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**
57 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
58 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
59 **any rule proposed or adopted after August 28, 2012, shall be invalid and void.**

60 **4. Counties may adopt ordinances with respect to towing company standards in addition**
61 **to the minimum standards contained in this section. [A towing company located in a county of**
62 **the second, third, and fourth classification is exempt from the provisions of this section.]**

 304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any
2 highway in this state having a greater weight than twenty thousand pounds on one axle, no
3 combination of vehicles operated by transporters of general freight over regular routes as defined
4 in section 390.020 shall be moved or operated on any highway of this state having a greater
5 weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not
6 to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated
7 on any state highway of this state having a greater weight than thirty-four thousand pounds on
8 any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one
9 behind another, the distance between the extremes of which is more than forty inches and not
10 more than ninety-six inches apart.

11 2. An "axle load" is defined as the total load transmitted to the road by all wheels whose
12 centers are included between two parallel transverse vertical planes forty inches apart, extending
13 across the full width of the vehicle.

14 3. Subject to the limit upon the weight imposed upon a highway of this state through any
15 one axle or on any tandem axle, the total gross weight with load imposed by any group of two

16 or more consecutive axles of any vehicle or combination of vehicles shall not exceed the
 17 maximum load in pounds as set forth in the following table:

18 Distance in feet

19 between the extremes

20 of any group of two or

21 more consecutive axles,

22 measured to the nearest

23 foot, except where

24 indicated otherwise

Maximum load in pounds

25

26 feet	2 axles	3 axles	4 axles	5 axles	6 axles
27 4	34,000				
28 5	34,000				
29 6	34,000				
30 7	34,000				
31 8	34,000	34,000			
32 More than 8	38,000	42,000			
33 9	39,000	42,500			
34 10	40,000	43,500			
35 11	40,000	44,000			
36 12	40,000	45,000	50,000		
37 13	40,000	45,500	50,500		
38 14	40,000	46,500	51,500		
39 15	40,000	47,000	52,000		
40 16	40,000	48,000	52,500	58,000	
41 17	40,000	48,500	53,500	58,500	
42 18	40,000	49,500	54,000	59,000	
43 19	40,000	50,000	54,500	60,000	
44 20	40,000	51,000	55,500	60,500	66,000
45 21	40,000	51,500	56,000	61,000	66,500
46 22	40,000	52,500	56,500	61,500	67,000
47 23	40,000	53,000	57,500	62,500	68,000
48 24	40,000	54,000	58,000	63,000	68,500
49 25	40,000	54,500	58,500	63,500	69,000
50 26	40,000	55,500	59,500	64,000	69,500
51 27	40,000	56,000	60,000	65,000	70,000

52	28	40,000	57,000	60,500	65,500	71,000
53	29	40,000	57,500	61,500	66,000	71,500
54	30	40,000	58,500	62,000	66,500	72,000
55	31	40,000	59,000	62,500	67,500	72,500
56	32	40,000	60,000	63,500	68,000	73,000
57	33	40,000	60,000	64,000	68,500	74,000
58	34	40,000	60,000	64,500	69,000	74,500
59	35	40,000	60,000	65,500	70,000	75,000
60	36		60,000	66,000	70,500	75,500
61	37		60,000	66,500	71,000	76,000
62	38		60,000	67,500	72,000	77,000
63	39		60,000	68,000	72,500	77,500
64	40		60,000	68,500	73,000	78,000
65	41		60,000	69,500	73,500	78,500
66	42		60,000	70,000	74,000	79,000
67	43		60,000	70,500	75,000	80,000
68	44		60,000	71,500	75,500	80,000
69	45		60,000	72,000	76,000	80,000
70	46		60,000	72,500	76,500	80,000
71	47		60,000	73,500	77,500	80,000
72	48		60,000	74,000	78,000	80,000
73	49		60,000	74,500	78,500	80,000
74	50		60,000	75,500	79,000	80,000
75	51		60,000	76,000	80,000	80,000
76	52		60,000	76,500	80,000	80,000
77	53		60,000	77,500	80,000	80,000
78	54		60,000	78,000	80,000	80,000
79	55		60,000	78,500	80,000	80,000
80	56		60,000	79,500	80,000	80,000
81	57		60,000	80,000	80,000	80,000

82

83 Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load
84 of thirty-four thousand pounds each if the overall distance between the first and last axles of such
85 consecutive sets of tandem axles is thirty-six feet or more.

86 4. Whenever the state highways and transportation commission finds that any state
87 highway bridge in the state is in such a condition that use of such bridge by vehicles of the

88 weights specified in subsection 3 of this section will endanger the bridge, or the users of the
89 bridge, the commission may establish maximum weight limits and speed limits for vehicles using
90 such bridge. The governing body of any city or county may grant authority by act or ordinance
91 to the state highways and transportation commission to enact the limitations established in this
92 section on those roadways within the purview of such city or county. Notice of the weight limits
93 and speed limits established by the commission shall be given by posting signs at a conspicuous
94 place at each end of any such bridge.

95 5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle
96 loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23
97 of the United States Code.

98 6. Notwithstanding the weight limitations contained in this section, any vehicle or
99 combination of vehicles operating on highways other than the interstate highway system may
100 exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two
101 thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except
102 as provided in subsection 9 of this section.

103 7. Notwithstanding any provision of this section to the contrary, the department of
104 transportation shall issue a single-use special permit, or upon request of the owner of the truck
105 or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or
106 well-drillers' equipment. The department of transportation shall set fees for the issuance of
107 permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete
108 pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways
109 at any time on any day.

110 8. Notwithstanding the provision of this section to the contrary, the maximum gross
111 vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an
112 idle reduction technology may be increased by a quantity necessary to compensate for the
113 additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as
114 amended. In no case shall the additional weight increase allowed by this subsection be greater
115 than four hundred pounds. Upon request by an appropriate law enforcement officer, the vehicle
116 operator shall provide proof that the idle reduction technology is fully functional at all times and
117 that the gross weight increase is not used for any purpose other than for the use of idle reduction
118 technology.

119 9. Notwithstanding subsection 3 of this section or any other provision of law to the
120 contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may
121 be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating
122 on U.S. Highway 36 from St. Joseph to U.S. Highway 65, and on U.S. Highway 65 from the

123 Iowa state line to U.S. Highway 36, **and while operating on U.S. Highway 36 from St. Joseph**
124 **to U.S. Highway 63, and on U.S. Highway 63 to the Iowa state line.**

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